

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DAVID DEITZEL	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	
SPRINGFIELD TERMINAL RAILWAY	:	NO. 03-12560-RGS
COMPANY	:	
Defendant.	:	

**DEFENDANT'S SUPPLEMENTATION TO SECTION VI OF THE
JOINT PRE-TRIAL MEMORANDUM**

Defendant respectfully requests that it be permitted to supplement the last paragraph of Section VI to the Joint Pretrial Memorandum as set forth below. As grounds for this supplementation, Defendant respectfully submits that allowance of this supplementation sets forth a meritorious defense to plaintiff's claim with no resulting prejudice to the plaintiff and will afford the defendant a trial of this case on its merits.

VI. MOTION IN LIMINE

Defendant objects to any evidence relating to plaintiff's cessation of employment with STR on the grounds that it is irrelevant and immaterial and unduly prejudicial to the defendant. *Defendant submits further, that the plaintiff has failed to exhaust his administrative remedies as set forth in the Railway Labor Act, USC Title 45, Chapter 8 and the National Mediation Board and therefore issues relating to the plaintiff's recent cessation of employment are not properly before this Honorable Court and should be excluded.*

The defendant,
Springfield Terminal Railway Company
By its attorney,

/s/

John J. O'Brien, Jr., Esq.
BBO# 375885
O'Brien & von Rosenvinge, P.C.
27 Mica Lane, Suite 202
Wellesley, MA 02481
(781) 239-9988

CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the Defendant in the within action, hereby certify that I have this day served a copy of

**DEFENDANT'S SUPPLEMENTATION TO SECTION VI OF THE
JOINT PRE-TRIAL MEMORANDUM**

by mailing a copy thereof, postage prepaid, to:

Ronald M. Davids, Esq.
Davids & Schlesigner, P.C.
40 Washington St., Suite 250
Wellesley, MA 02481

Rudolph V. De George, II , Esq.
Barish Law Offices, P. C.
1601 Cherry Street
Three Parkway - 13th Floor
Philadelphia, PA 19102

/s/
John J. O'Brien, Jr.

Dated: September 29, 2006